

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**CITY COUNCIL MEETING OF: DECEMBER 19, 2007****DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:**

VARIANCE

VAR-23598 – ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: DONNA DELACRUZ - Request for a Variance TO ALLOW A PROPOSED 2,790 SQUARE FOOT ACCESSORY STRUCTURE, CLASS I (HABITABLE), WHERE 528 SQUARE FEET (50 PERCENT OF THE FLOOR AREA OF THE PRINCIPAL DWELLING) IS THE MAXIMUM ALLOWED at 5413 Hickam Avenue (APN 138-01-303-003), R-E (Residence Estates) Zone, Ward 6 (Ross) NOTE: THIS APPLICATION HAS BEEN AMENDED TO INCLUDE A VARIANCE TO ALSO ALLOW THE ACCESSORY STRUCTURE TO BE 18 FEET IN HEIGHT WHERE 14 FEET IS THE MAXIMUM HEIGHT ALLOWED. Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

**PROTESTS RECEIVED BEFORE:**

Planning Commission Mtg.

City Council Meeting

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.

City Council Meeting

**RECOMMENDATION:**

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions.

**BACKUP DOCUMENTATION:**

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/support postcard
7. Submitted after meeting - Recordation notice of Council action and conditions of approval for Items 91 and 92
8. Backup referenced from the 11-08-07 Planning Commission Meeting Item 13

Motion made by STEVEN D. ROSS to Approve subject to conditions

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN, LARRY BROWN, OSCAR B. GOODMAN,  
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);  
(Did Not Vote-None); (Excused-None)

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Minutes:

MAYOR GOODMAN declared the Public Hearing open for Items 91 and 92.

PAUL HUFFMAN appeared on behalf of the applicant, DONNA DELACRUZ, who was present also. He explained that there is a strip of land that she does not own, and it cannot be vacated. In addition, her parcel is too small to be subdivided. She needs the variance and the special use permit, as the height will exceed 14 feet.

TYSON WALLACE, 4200 Helen, appeared representing the residents in the northwest. The residents questioned the purpose for the house and asked if the proposal was for two houses on the same lot. MR. HUFFMAN confirmed there would be two houses on the subject lot. The accessory structure would be for her elderly father and the nanny. MR. WALLACE added that the residents were concerned that should ownership change, the property will change to commercial.

COUNCILMAN ROSS stated he met with MS. DELACRUZ and discussed her intentions. She has also tried contacting the owner to no avail; however, she is willing to place a deed restriction on the property should the home sell. The Councilman assured MR. WALLACE and the northwest residents that he will not allow the subject site to change to commercial and will continue to protect this neighborhood to the best of his ability. He pointed out that this request is the only way for MS. DELACRUZ to accomplish her goals. COUNCILMAN ROSS concluded by noting that Planning's COMMISSIONER DUNNAM resides one block away from the subject site, and he knows that MS. DELACRUZ is a good neighbor. The Councilman appreciated him being mindful of what takes place in his neighborhood.

MARGO WHEELER, Director of Planning and Development, explained that the condition prohibiting any rentals is already on the special use permit and will be filed accordingly. MS. DELACRUZ has already agreed to such recording.

MAYOR GOODMAN declared the Public Hearing closed for Items 91 and 92.